

HOUSE BILL 395

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Q5

2004 Regular Session
4r2032
CF SB 21

By: **Delegates Sossi, Elmore, Haddaway, Smigiel, and Walkup**
Introduced and read first time: January 29, 2004
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Fuel Tax - Exemption for Biodiesel Fuel - Queen Anne's County**

3 FOR the purpose of exempting biodiesel fuel purchased for use in Queen Anne's
4 County government vehicles and school buses from the State motor fuel tax;
5 providing for the termination of this Act; and generally relating to motor fuel tax
6 exemptions for biodiesel fuel.

7 BY repealing and reenacting, with amendments,
8 Article - Tax - General
9 Section 9-303
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 2003 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Tax - General**

15 9-303.

16 (a) The motor fuel tax does not apply to motor fuel that is exported or sold for
17 exportation from this State.

18 (b) The motor fuel tax does not apply to special fuel:

19 (1) containing dye and sold for uses other than in a licensed motor
20 vehicle;

21 (2) delivered into a tank used only for heating; or

22 (3) used for any purpose other than propelling a motor vehicle or
23 turbine-powered aircraft.

24 (c) The motor fuel tax does not apply to aviation fuel that is bought for use by:

1 (1) a carrier engaged in the common carriage of individuals or property
2 under Parts 121, 127, and 129 of the Federal Aviation Regulations;

3 (2) an operator under Part 135 of the Federal Aviation Regulations if at
4 least 70% of the aviation fuel is used in the common carriage of individuals or
5 property;

6 (3) the State;

7 (4) a political subdivision of the State;

8 (5) a unit or instrumentality of the United States government; or

9 (6) a foreign government.

10 (D) THE MOTOR FUEL TAX DOES NOT APPLY TO BIODIESEL FUEL THAT IS
11 BOUGHT FOR USE IN QUEEN ANNE'S COUNTY GOVERNMENT VEHICLES AND SCHOOL
12 BUSES.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2004. It shall remain effective for a period of 3 years and, at the end of June
15 30, 2007, with no further action required by the General Assembly, this Act shall be
16 abrogated and of no further force and effect.